

**Enrolled Minutes of the Eleventh Regular Meeting  
For the Twenty-Sixth Highland Town Council  
Monday, June 23, 2008**

*Study Session.* The Twenty-Sixth Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, June 23, 2008 at 6:30 O'clock P.M. in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Bernie Zemen, Mark Herak, Dan Vassar, Brian Novak and Konnie Kuiper were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

**General Substance of Matters Discussed.**

1. The Town Council discussed the agenda of the imminent meeting.
2. The Town Council discussed proposed Ordinance No. 1399. The discussion included expressed concerns regarding the having one fee for ages under 18 and another for 18 and over. The discussion included the possible administrative burden of having a license display distinguished by age of operator. The discussion included an exploration of the rationale for having the current fee fixed at (\$100) for licenses. It was suggested that when this fee was enacted, it seemed to remedy the volume of traffic and related incidents involving younger operators as compared to when the fee were fixed at \$25 for all operators.
3. The Town Attorney discussed briefly the reported interest of the School Town of Highland to renew the Interlocal Cooperation Agreement providing for a School Resource Officer. A tentative timetable for moving the matter along was discussed.
4. The Town Attorney and the Town Council discussed the appointment of a non-voting "advisor" to be appointed by the Town Council President, from the membership of the School Board, to sit with the Redevelopment Commission.
5. The Town Council discussed the status of the property and house located at 3425 Laverne Drive, that sustained a collapsed basement wall, and had been apparently abandoned by the owner. It was noted that there was increasing neighbor and resident complaints about the disposition of the house. It was further noted that the Building Commissioner desired to move act on the house under the terms of the Unsafe Building Law. The Town Attorney explained that he had counseled to postpone acting as the former occupant of the house had filed a lawsuit against the town associated with the collapse of the basement wall. The Town Attorney further noted that he would advise the lawyers in the case to quickly take any pictures needed in support of their cause of action, so that the Town could move forward with the Unsafe Building Enforcement.

The study session ended at 7:08 O'clock p.m.

*Regular Meeting.* The Twenty Fifth Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, June 23, 2008 at 7:09 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Town Council President Bernie Zemen presided and the Town Clerk-Treasurer was present to memorialize the proceedings.

The session was opened with Councilor Brian Novak leading the pledge of allegiance to the United States Flag and offering a prayer.

**Roll Call:** Present on roll call were Council Members Bernie Zemen, Mark Herak, Dan Vassar, Brian Novak, and Konnie Kuiper. The Town Clerk-Treasurer Michael Griffin was present. A quorum was attained.

**Additional Officials Present:** Rhett Tauber, Town Council Attorney; John M. Bach, Public Works Director; Peter T. Hojnicky, Metropolitan Police Chief; Kenneth J. Mika, Building Commissioner; William R. Timmer, CFOD, Fire Chief; and Cecile Petro, Redevelopment Director.

Lisa Gauthier and Karen Ziants of the Special Events Advisory Committee and Leroy Fassett of the Shared Ethics Advisory Commission were also present.

### **Minutes of the Previous Session**

The minutes of the regular meeting of June 09, 2008 were approved by general consent.

### **Comments from the Public for Topics on the Agenda**

This portion of the Town Council Meeting is reserved for persons who desire to address the Town Council. Depending on the nature of the comments, the Town Council may direct the staff to address the topic or follow-up on matters that may arise from public comments. Persons addressing the Town Council are requested to limit their presentations to **three (3) minutes** and to try to avoid repetitious comments.

1. Dean Stammers, 9324 Spring Creek Drive, Highland commented on Ordinance No 1399 and suggested that all motorized bicycle fees should be \$25.
2. Joe Bartok, 9324 Spring creek Drive, Highland, inquired and sought clarification about the terms of the licensing fees based upon age proposed in Ordinance No. 1399.

### **Appointments**

#### **• Statutory Boards and Commissions**

Executive Appointments made by Town Council President

Legislative or Fiscal Body Appointments made by Town Council

1. **Legislative appointment** of representative of the Highland Legislative Body to the Lake County Emergency Management Advisory Council, pursuant to IC 10-14-3-17(c) (4).

Councilor Herak moved to appoint **Fire Chief William R. Timmer, Jr., CFOD**, as Highland's representative to the Lake County Emergency Management Advisory Council. Councilor Novak, seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. Chief Timmer was appointed to the Lake County Emergency Management Advisory Council

### **Unfinished Business and General Orders:**

1. **Proposed Ordinance No. 1399:** An Ordinance to Amend Chapter 73 of the Highland Municipal Code, related to the Motorized Bicycle (MOPEL) licensure and associated fee. If adopted, the proposed ordinance would fix the license fee for mopeds at \$100 for persons aged 15 up to and under 18; and \$25 for persons 18 years of age and above.

Councilor Herak introduced and filed Ordinance No. 1399. There was no further action.

2. **Resolution No. 2008-25:** An Exigent Resolution Providing for the Transfer of Appropriation Balances from and among Major Budget Classifications in the Office of the Town Council of the Corporation General Fund as Requested by the Department Head or Proper Officer and Forwarded to the Town Council for its action pursuant to IC 6-1.1-18-6. This resolution reduces compensation lines by \$3,210.88 and increases Land purchase line by \$3,000 and legal line by \$210.88. Action is necessary to support the purchase of property located next to Town Hall at 3315 Ridge Road, funding the additional earnest money as provided in the recent sales contract as amended.

Councilor Vassar moved the passage and adoption of Resolution No. 2008-25. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

TOWN of HIGHLAND  
APPROPRIATION TRANSFER RESOLUTION  
RESOLUTION NO. 2008-25

AN EXIGENT RESOLUTION PROVIDING for the TRANSFER of APPROPRIATION BALANCES from and AMONG MAJOR BUDGET CLASSIFICATIONS in the Office of the Town Council of the CORPORATION GENERAL FUND as REQUESTED by the DEPARTMENT HEAD or PROPER OFFICER and FORWARDED to the TOWN COUNCIL for its ACTION PURSUANT TO IC 6-1.1-18-6.

WHEREAS, It has been determined that certain exigent conditions have developed since adoption of the annual budget and it is now necessary to transfer certain appropriations into different categories than were appropriated in the annual budget for the various functions of the Office of the Town Council of the Corporation General Fund;

WHEREAS, The Town Council has been advised that the transfer would involve creation and authorization of a major expense category, for which no appropriations were approved in the current budget;

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Highland, Lake County, Indiana as follows:

**Section 1.** That for the expenses of said municipality, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes herein specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law;

**Section 2.** That it has been shown that certain existing appropriations of the Office of the Town Council of the Corporation General Fund have unobligated balances which will not be needed at this time for the purposes for which appropriated, so it will not be necessary to increase the 2008 budget, and may be transferred to a category of appropriation not heretofore present in this department or office of the fund, but now hereby authorized and established, as follows:

CORPORATION GENERAL FUND

Office of the Town Council

Reduce Accounts: #111.01 Town Council Salaries	\$ 2,498.00
#112.01 Town Council FICA	\$ <u>712.88</u>
Total 100 Series Reductions	\$ 3,210.88
Increase Account: #310.01 Legal Fees	\$ <u>210.88</u>
Total 300 Series Increases	\$ 210.88
Increase Account: #400.01 Land Purchase	\$ <u>3,000.00</u>
Total 400 Series Increases	\$ 3,000.00

Total of All Fund Decreases:	\$ 3,210.88
Total of All Fund Increases:	\$ 3,210.88

DULY RESOLVED and ADOPTED this 23<sup>rd</sup> Day of June 2008 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA

Bernie Zemen, President (IC 36-5-2-10)

Attest:

\_\_\_\_\_  
Michael W. Griffin, IAMC/CMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

3. **Proposed Ordinance No. 1400:** An Ordinance Authorizing and Approving the Establishment of a Riverfront Development Project Area, in the Town of Highland, all pursuant to IC 7.1-3-20, Sections 16 and 16.1, and Section 74 of HEA 1125, adopted as P.L. 131-2008.

Councilor Novak introduced and filed Ordinance No. 1400. There was no further action.

4. **Proposed Ordinance No. 1401:** ORDINANCE OF THE TOWN OF HIGHLAND AUTHORIZING THE ISSUANCE AND SALE OF NOTES OF THE TOWN FOR THE PURPOSE OF PROVIDING FUNDS TO BE APPLIED ON THE COST OF THE ACQUISITION OF A BUILDING, OTHER MATTERS CONNECTED THEREWITH, TOGETHER WITH THE INCIDENTAL EXPENSES IN CONNECTION THEREWITH AND ON ACCOUNT OF THE ISSUANCE OF NOTES.

Councilor Vassar introduced and filed Ordinance No. 1401. There was no further action.

5. Action to Authorize the Proper Officer to Publish Notice of a Public Hearing on Proposed Additional Appropriations in the Revenue Note Fund, in the Amount not to exceed **\$145,000** plus investment earnings, in excess of the FY 2008 Budget to support the purchase of a property located at 3315 Ridge Road, Highland.

Councilor Vassar moved to authorize the publication and public hearing as indicated. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The hearing was authorized.

### Committee Reports

- **Councilor Mark Herak:** *Advisory Board of Zoning Appeals Liaison • Board of Sanitary Commissioners Liaison • Special Events Advisory Committee, Liaison.*

Councilor Herak reported for Parks and Recreation that a Block Party would be conducted at Orchard Park from 6-8 p.m., June 24, 2008.

Councilor Herak reported that the Community Events Commission had finalized plans for the Independence Day Festival at Main Square Park to run from July 2, 2008 to July 6, 2008.

Councilor Herak reported that the Public Works Director had presented a request to Indiana Department of Transportation (INDOT) to delay its Indianapolis Boulevard Improvement Project to 2010. This request is being made to accommodate the Town of Highland's plans to execute a Federal Highway aid improvement project for Kennedy Avenue for FY 2008-2009; Mosquito spraying has resumed for the 2008 summer season.

- **Councilor Dan Vassar:** *Parks and Recreation Board Liaison • Building and Inspection Committee • Plan Commission member.*

Councilor Vassar offered a brief survey of matters that were to be reviewed by the Advisory Board of Zoning Appeals.

- **Councilor Brian Novak:** • *Waterworks Board Liaison • Fire Personnel Committee Lake County Solid Waste Management District Board of Directors member • Insurance Committee, member.*

Councilor Novak reported from the Water works Board of Directors that the one-year warranty inspection is to be conducted for the Ridge Road Water storage tank. The inspection is in consequence of a repainting of the tank last year; the Board of

Waterworks Directors would be meeting before its next meeting at the site of the newly constructed meter vault, which will be transferred to the City of Hammond Waterworks Department, upon completion. The vault was reconstructed as a condition of the water supply contract with the City of Hammond, renewed in August of 2006.

Councilor Novak reported that talks continue at the Lake County Solid Waste Management District regarding the selecting prospective ethanol to trash contractors. He reported that no final selection has been made.

- **Councilor Konnie Kuiper:** *Town Board of Metropolitan Police Commissioners Liaison • Traffic Safety Commission Member • Chamber of Commerce Liaison.*

Councilor Kuiper reported that a Crime Watch meeting was to be convened at the Wicker Park West pavilion on July 9; He further reported that voluntary contributions were being sought for the purpose of supporting purchase portable radios for VIPS and some articles of the animal control function.

- **Councilor Bernie Zemen:** *Town Executive • Police Pension Board of Trustees Chair • Budget Committee Chair • Redevelopment Commission Liaison • Plan Commission member • Insurance Committee, member.*

Council President Zemen reported that the Redevelopment Commission would conduct a hearing regarding its proposal to expand the existing Redevelopment District, establish an allocation area coterminous with it and to establish an Economic Development Area at the Highland Acres Site (area at the northwest corner of Indianapolis Boulevard and Main Street) with a coterminous allocation area as well.

#### **Comments from the Public for Matters not on the Agenda**

1. Joe Bartok, 9324 Spring Creek Drive, commented unfavorably on a property located at Highway Avenue and Fifth Street, recently acquired by AAA Taxi of Highland. Mr. Bartok opined that the property appeared to be an unsightly storage area for vehicles rather than "accessory parking." Mr. Bartok asked that some action be taken if possible.
2. Jim Diehl, 10104 Kennedy Avenue, Highland, reported the recent train at the crossing near his home stopping for a period of time that he estimated to be 57 minutes. Mr. Diehl inquired whether or not the Town could act to clear the crossing.

Mr. Diehl then suggested that perhaps mosquito spraying would be more effective if it could be applied in the manner similar to crop dusting. Mr. Diehl expressed his concern about the mosquito population being particular heavy owing to much rain and noting higher volumes of standing water.

**Payment of Accounts Payable Vouchers.** There being no further business from the floor, Councilor Herak moved to allow the accounts payable vouchers as filed on the pending pay docket, covering the period June 10, 2008 through to June 23, 2008. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The accounts payable vouchers were allowed and the clerk-treasurer was authorized to make payment.

**General Fund, \$251,848.39; Motor Vehicle Highway and Street (MVH) Fund, \$16,574.14; Local Road and Streets Fund, \$21,518.14; Forfeited and Seized Assets Fund, \$489.10; Law Enforcement Continuing Education, Training and Supply Fund, \$281.42; Capital Projects Retainage Agency Fund, \$64,828.13; Information and Communications Technology Fund, \$4,253.21; Civil Donation Fund, \$63.90; Special**

**Events Non Reverting Fund, \$12,500.00; Police Pension Fund, \$58,139.36; General Improvement Fund, \$36s.00; Total: \$430,531.79.**

**Adjournment.** Councilor Kuiper moved that the meeting be adjourned. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The regular meeting of the Town Council of Monday, June 23, 2008 was adjourned at 7:55 O'clock p.m.

There was no study session following the meeting.

Michael W. Griffin, IAMC/CMC/CPFA  
Clerk-Treasurer